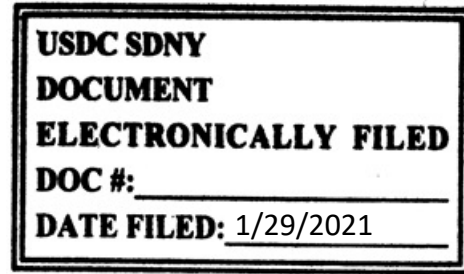


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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MOJO NICHOLS, et al.,

Plaintiffs,

20-CV-3677 (LGS) (KHP)

-against-

Discovery Order

NOOM INC., et al.,

Defendants.
-----X

KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE

Consistent with the telephonic case management conference held on January 29, 2021 in the above-captioned matter, the parties are directed and advised as follows:

Requests for Production

The Court has reviewed the parties' extensive submissions with respect to discovery disputes arising out of Plaintiffs' requests for production (the "Requests") and Defendants' related application for a protective order with respect to certain Requests. Indeed, the Court previously ruled on many of these issues. (See ECF No. 145.) Having reviewed additional Requests and considered the parties' positions on those issues, the Court finds that many of Plaintiffs' Requests are not tailored in a manner consistent with Rule 26 and Rule 34 of the Federal Rules insofar as they are overbroad and seek information disproportionate to the needs

of the case. Accordingly, the Court grants Defendants' application for a protective order with respect to Request numbers 10, 50, 51, and 57.¹

Moreover, the Court finds that certain Requests should be narrowed. Accordingly, Noom should respond to Request 52 and 53, but only to an extent consistent with the Court's directives made clear at the January 29, 2021 conference.

Specifically, with respect to Request number 49, the Court notes that the request is overbroad and that Noom will not be required to produce documents beyond what it is already required to produce in response to Requests 31 and 33.

Meyer Subpoena

The Court has reviewed the parties' submissions and heard oral argument on Defendant Noom's motion to compel additional responses to the Meyer subpoena. (See ECF No. 141.) For the reasons stated at the January 29 conference, Noom's motion is DENIED.

Letter Submissions to the Court

The Court reminds the parties that they are to submit a joint letter not to exceed 6 pages in length by 12:00 p.m. on February 3, 2021 outlining any remaining Requests that need to be discussed and the outstanding discovery disputes the parties would like the Court to address. This letter will be in lieu of the letter scheduled for February 2, 2021.

¹ To the extent that Requests 50 and 51 pertain to documents that may be relevant to the issue of punitive damages, Plaintiffs will be permitted to submit narrower Requests for these documents, to the extent necessary, after the class certification phase.

SO ORDERED.

Dated: New York, New York
January 29, 2021



KATHARINE H. PARKER
United States Magistrate Judge